

IT IS SO ORDERED.

**Dated: March 21, 2018
12:04:08 PM**

Kay Woods
Kay Woods
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**AGREED ORDER RESOLVING AMENDED MOTION FOR RELIEF FROM STAY
(DOCKET NUMBER 29) AS TO REAL PROPERTY LOCATED AT 63 EVANS AVE,
YOUNGSTOWN, OH 44515**

This matter having come before the Court on the Amended Motion for Relief from Stay for the real property located at 63 Evans Ave, Youngstown, OH 44515 (the "Property"), which was filed in this court by Ditech Financial LLC ("Movant") as Docket Number 29, and the opposition of Julie B. Alonso ("Debtor") thereto; and it appearing to the Court that the parties

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have agreed to a course of action which will permit the continuation of the automatic stay conditioned upon certain provisions incorporated herein for the protection of Movant; and the Court, being otherwise fully advised in the premises, hereby issues the following Order with respect thereto:

1. The Parties agree that the Chapter 13 Plan filed herein on behalf of the Debtor provided that said Debtor was to make regular monthly mortgage payments to Movant outside of the Plan in a regular monthly fashion.
2. The Parties agree that in breach of the terms of said Plan, the Debtor failed to make certain of the regular monthly mortgage payments to Movant; said payments are currently in default for the months of December 2017 and subsequent months, incurring a total post-petition arrearage of \$2,343.45 through February 2018, which consists of 3 post-petition payments at \$554.15 each, attorney fees in the amount of \$500.00 and filing cost of \$181.00. There is \$3.40 in suspense, which reduces the total post-petition arrearage to \$2,340.05.
3. In order to eliminate said post-petition delinquency, the Movant is permitted to file a Supplemental Proof of Claim in the amount of \$2,340.05 representing the above total post-petition delinquency. The Supplemental Proof of Claim will be filed within 30 days from the entry of this order and shall be paid as a secure Claim through the Chapter 13 Plan.
4. The Debtor hereby agrees to resume regular monthly mortgage payments outside the Plan directly to Movant for the March 2018 regular monthly mortgage payment and to make all further monthly payments in a timely fashion.

5. This Provisional Order remains in full force and effect in the event Debtor's case is dismissed by the Court and Debtor subsequently reinstates his case by order of the Court and/or the Movant obtains relief from stay and the stay is subsequently reinstated by order of the Court.
6. The following are events of default under this Provisional Order: (a) Debtor fails to pay any future monthly mortgage payment so that the payment is not received by Movant on the last day of the month in which it is due; (b) Debtor fails to make any Chapter 13 Plan payment to the Trustee's Office within 30 days of the last day of the month in which it is due (hereinafter, any of the events described above shall be referred to as a "Default").
7. Upon the existence of a default, Movant's counsel shall send Debtor and counsel for Debtor a 10-day notice of Movant's intent to file an affidavit and proposed order granting relief from stay.
8. If the default is not cured within that 10-day period, then upon the filing of an affidavit by Movant attesting to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by § 362(a) and of the Bankruptcy Code with respect to Movant, its successors and assigns.
9. Debtor's opportunity to cure the default shall be limited to three occurrences. Upon the occurrence of the fourth default, then upon the filing of an affidavit by Creditor attesting

to the default by the Debtor, an Order shall be entered without further hearing, terminating the stay imposed by Section 362(a) of the Bankruptcy Code with respect to Creditor, its successors and assigns.

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SUBMITTED BY:

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